

DETAILED ACTION

Claims 1-13, 15-28, 30-31, and 43-46 were rejected in the Office Action entered on 13 April 2007.

Applicants appealed that rejected with a Notice of Appeal entered on 16 July 2007. Applicants filed an Appeal Brief on 2 November 2007.

The Examiner entered an Examiner's Answer on 24 January 2008.

Applicants entered a Reply Brief on 27 February 2008.

The Board of Patent Appeals and Interferences remanded this application on 29 September 2008. In response, the Examiner entered a corrected Examiner's Answer on 15 October 2008.

Applicants entered a Reply Brief on 15 December 2008.

The Board of Patent Appeals and Interferences entered a decision on 16 February 2010 reversing the rejection of claims 1-13, 15-28, 30-31, and 43-46 under 35 U.S.C. § 103(a). The rejection of claim 44 under 35 U.S.C. § 112, second paragraph, was affirmed.

Claim 44 has been canceled by Examiner's amendment as set forth below.

Consequently, claims 1-13, 15-28, 30-31, and 43, and 45-46 are allowed.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nathan Jensen (41,460) on 1 April 2010.

The application has been amended as follows:

Claim 44 has been deleted.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The decision rendered by the Board of Patent Appeals and Interferences on 16 February 2010 states, in part, that:

[R]ather than disclosing or suggesting constructing and converting logic (to object oriented code) without intervention of the user, Real-Time Workshop merely discloses a user utilizing various programs to design (or "intervene" to design) a control system and does not appear to disclose or suggest converting logic (i.e., the "control system") to any other form at all.

Therefore, in deference to the Board Decision, the closest prior art of record fails to teach or suggest the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Proctor whose telephone number is (571) 272-3713. The examiner can normally be reached on 8:30 am-4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jason Proctor/
Primary Examiner, Art Unit 2123

jsp